

FREDERICK COUNTY PLANNING COMMISSION

January 12, 2011

TITLE: **Villages of Nightingale: New Entrance to Boyers Mill Road**

FILE NUMBER: **S 829-J (AP# 11187, APFO # 11188 & FRO #11189)**

REQUEST: **Revised Preliminary Plan**
Requesting revised preliminary plan approval for a new road connection to Boyers Mill Road from the previously platted Nightingale section of Lake Linganore.

PROJECT INFORMATION:

LOCATION: Located along Boyers Mill Road, west of Quiet Cove Road.
ZONE: Zoned: PUD (Planned Unit Development)
REGION: New Market
WATER/SEWER: N/A.
COMP. PLAN/LAND USE: Low Density Residential

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT: Lake Linganore Association, Inc
OWNER: Lake Linganore Association, Inc
ENGINEER: Harris, Smariga & Associates, Inc.
ARCHITECT: Not Listed
ATTORNEY: Not Listed

STAFF: Tolson DeSa, Principal Planner

RECOMMENDATION: Conditional Approval

Enclosures:

Exhibit #1 Overall Site Plan: New Entrance for The Villages of Nightingale to Boyers Mill Road

STAFF REPORT

BACKGROUND

The Nightingale portion of the Linganore PUD development was originally granted final plat approval in 1969, 1970 and 1973 with a temporary access shown across Lot 8 from Boyers Mill Road to Nightingale Court. This temporary access was shown across Lot 8 from Boyers Mill Road to Nightingale Court, and was noted to be “extinguished upon extension of Nightingale Court to other access.”

In 1997 Mackintosh Realty submitted a preliminary plat requesting approval for a permanent access for the Nightingale Section located on Boyers Mill Road south of the platted temporary access point. The Planning Commission granted conditional approval to this request on April 9, 1997, this approval expired on April 9, 2000, since no action was taken to build or replat this section. This approval established that the temporary access would be converted into an emergency access for emergency vehicles only. The Office of Life Safety was to determine the design of the emergency entrance.

The plats Nightingale for Sections I & II were recorded over twenty years ago and indicate that a road (Nightingale Court) would be extended in a southerly direction to some point to connect to Quiet Cove Road, which is also a private roadway. However, due to the topography this proposed connection would be extremely difficult to construct.

No new lots are being proposed by this application.

ANALYSIS

Zoning: The site is located within the Planned Unit Development (PUD) Zoning District.

Frederick County Comprehensive Plan: New Market Region

The Frederick County Comprehensive Plan indicates that the land use for the Villages of Nightingale subdivision is Low Density Residential. The use proposed complies with the Land Use designation within the County Comprehensive Plan.

Area Tabulations:

Total area within proposed 40' Right-of-way for construction of Nightingale Place/Court: **9,514 square feet**

Total area of Lake Linganore Association, Inc. new combined total parcel “B” either side of new road: **27,652 SF**

Total area of Lot 8 to be de-platted and converted to a parcel “B” Lot 8: **12,463 SF**

Net increase in Parcel “B” Area: **2,949 SF**

Access/Circulation: The Preliminary Plan proposes to improve to Boyers Mill Road by closing one temporary access to the public and replacing it with a permanent access that provides improved sight distance and safer ingress. The new access point would physically widen Boyers Mill Road by one lane on its west (site) side in order to provide one southbound through lane, one northbound through lane and one northbound bypass lane. Because Boyers Mill Road is currently programmed for construction by the Division of Public Works (DPW) in FY 2015, this

Villages of Nightingale: New Entrance to Boyers Mill Road

January 12, 2011

Page 2 of 5

improvement has been coordinated with DPW and is consistent with their plans.

For safety reasons and internal circulation efficiency, no more than the 33 existing lots will be permitted to be developed in this neighborhood, until a second public point of access with Boyers Mill Road is established, presumably via Quiet Cove Road. The proposed location for the new entrance complies with the requirements for Intersection Sight Distance (ISD) and Stopping Sight Distance (SSD). As required by previous approvals, the existing entrance will be converted into an emergency entrance; the existing pavement will be removed and replaced with "grasscrete" or similar pervious paving material suitable to the Office of Life Safety.

Utilities: The site is served by public water and sewer and holds a W-1/3, S-1/3 classification. No sanitary sewer or water line extensions are proposed with this new road connection.

Adequate Public Facilities Ordinance (APFO): This preliminary plan proposal is not subject to the APFO ordinance because there are no new lots proposed by this application (all lots were recorded in 1969/1971).

Forest Resource Ordinance (FRO): Forest clearing associated with the new road connection and Boyers Mill Road widening must comply with the Frederick County Forest Conservation Ordinance. Forest stand and preliminary forest conservation information that included Nightingale was submitted on 12/16/2002. Forest requirements for the five villages of the Linganore CDA have been recorded at Liber 6691, Folio 771 and as shown on a forest conservation easement plat recorded at PB 75 Page 114.

OTHER AGENCY COMMENTS

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Approved
Development Review Planning:	A few minor drafting issues noted in Hansen.
State Highway Administration (SHA):	N/A.
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Approved
Health Dept.	Approved
Office of Life Safety	Approved
DPDR Traffic Engineering	Approved
Historic Preservation	N/A.

FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the preliminary plan, the preliminary plan shall be valid for a period of five (5) years from the date of Planning

Villages of Nightingale: New Entrance to Boyers Mill Road

January 12, 2011

Page 3 of 5

Commission approval.

Staff has no objection to conditional approval of the preliminary plan.

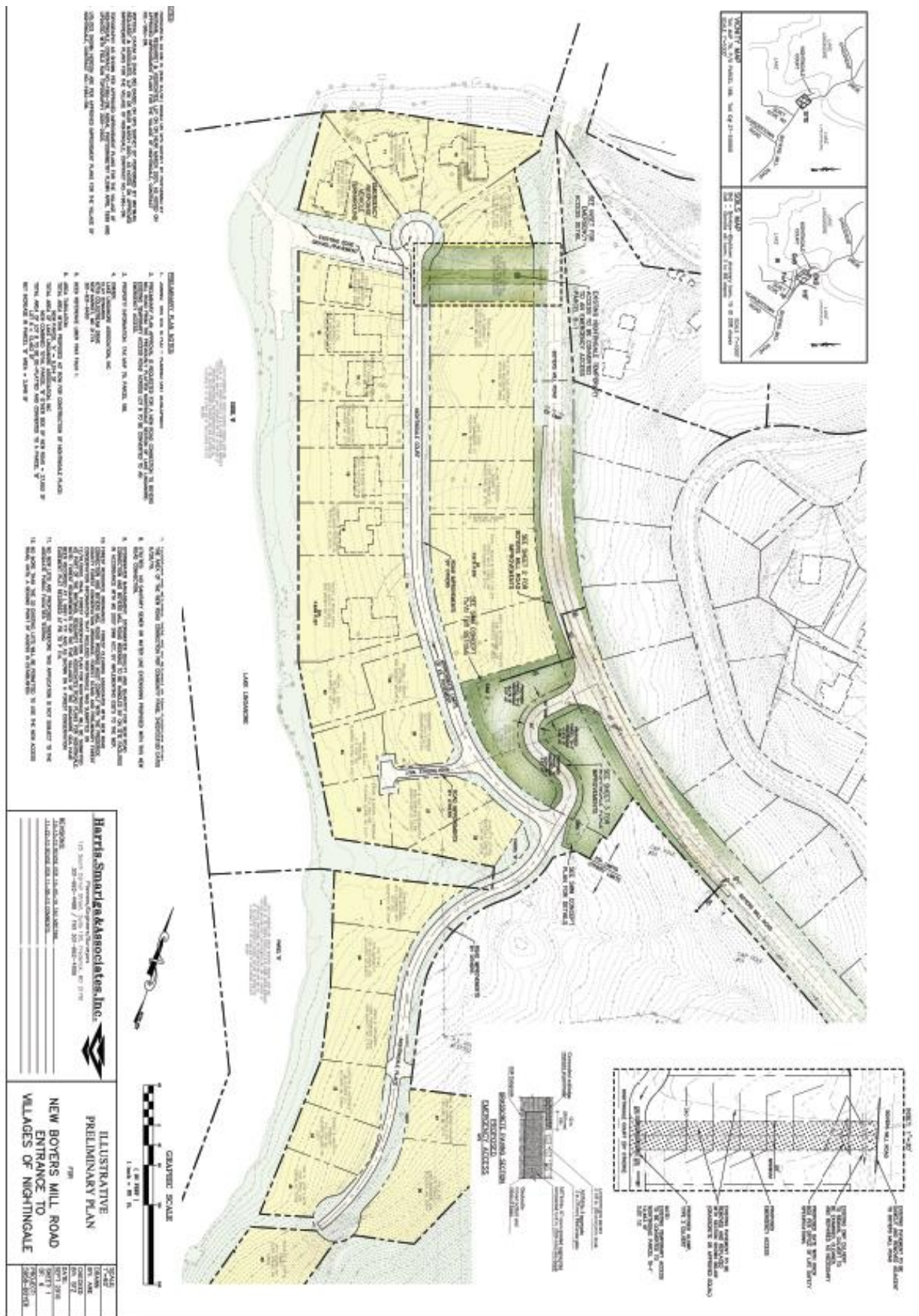
RECOMMENDATION

Should the Planning Commission conditionally approve this Revised Preliminary Plan S 829-J (AP# 11187, APFO 11188 & FRO 11189) for the proposed New Boyers Mill Road Entrance to Villages of Nightingale, the motion for approval should include the following item:

1. Preliminary plan approval for a period of five years from today's date.

Staff recommends that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.



January 12, 2011